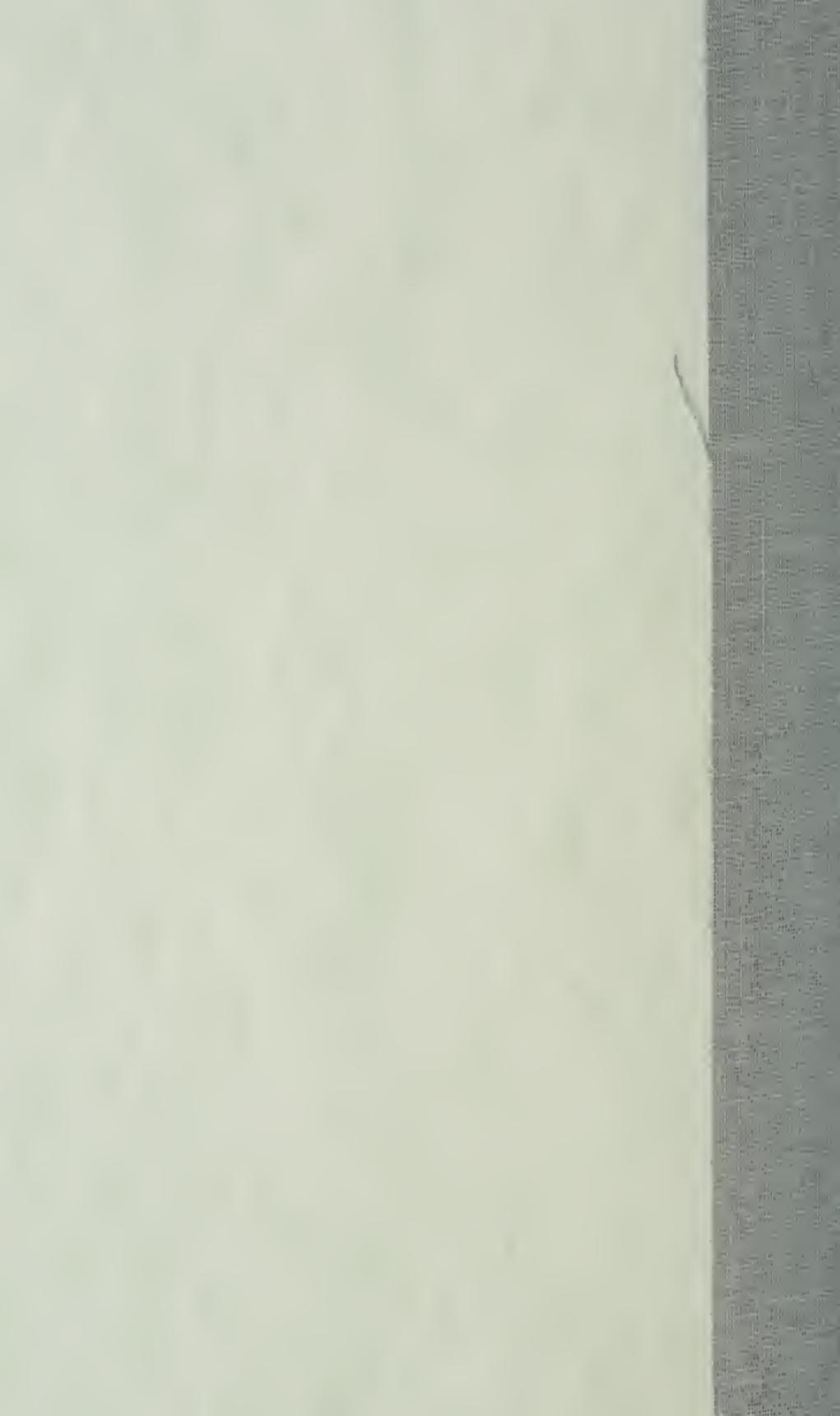


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# ADDRESS

DELIVERED BY

THE RIGHT REV. J. W. COLENSO, D.D.,

LORD BISHOP OF NATAL,

AT THE

SEVENTH SESSION

OF THE

Church Council of the Diocese of Natal,

HELD AT

DURBAN, OCTOBER 17th & 18th, 1882;

TOGETHER WITH

THE RULES

TO BE OBSERVED IN THE

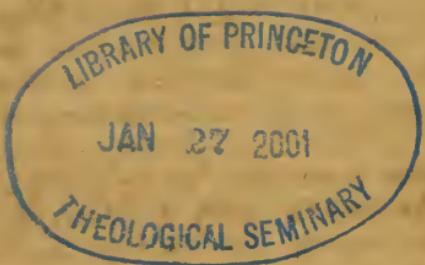
DIOCESE OF NATAL,

As revised at the said Session

(Ordered by the Council to be printed.)

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P. DAVIS AND SONS, GENERAL PRINTERS, MARITZBURG.



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Address delivered by the  
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Rev. J.W. Colenso, D.D.,  
Lord Bishop of  
Natal, at the seventh

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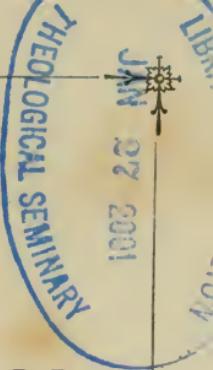
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# CHURCH COUNCIL

OF THE  
DIOCESE OF NATAL,  
SEVENTH SESSION,

Durban, October 17th, 1882.

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## Clergy:

THE RIGHT REV. JOHN WILLIAM COLENSO, D.D.,  
LORD BISHOP OF NATAL.

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VEN. THOMAS COLLEY, Archdeacon of Maritzburg, Canon of St. Peter's  
Officiating Minister of Christ Church, Addington.

VEN. CHRISTOPHER LEONARD GARDE, B.A., Archdeacon of Durban,  
Canon of St. Peter's, Incumbent of St. Paul's, Durban.

REV. WILLIAM NISBETT, Canon of St. Peter's. (*Absent in England.*)

---

REV. JOHN REYNOLDS, Incumbent of St. Thomas', Berea.

REV. THOMAS ERNEST ROBINSON, Incumbent of St. John's, Pinetown.

REV. GEORGE GOULD ROSS, M.A., D.C.L., Incumbent of St. Peter's,  
Maritzburg.

REV. ALFRED IKIN, Mus. Doc.

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## Parish-Delegates:

### ARCHDEACONY OF MARITZBURG.

W.M. MILEMAN,	} Maritzburg.	G. W. WILLIS, Ladysmith.
W.M. JAMES, JUN.,		J. M. EGNER, Upper Umgeni and
W.M. RISLEY,		Noodsberg
E. S. NEWMARCH, Greytown.		

### ARCHDEACONY OF DURBAN.

G. RUTHERFORD, J.P.	} Durban.	C. J. COAKES, Clairmont.
R. I. FINNEMORE, R.M.		CLEMENT J. HILL, } Pinetown.
G. D. GOODRICKE,	J. H. WOODS,	
R. ACUTT,	JAMES CROWE, Bellair.	
R. VAUSE,	} Alexandra G. IRELAND,	} and Alfred J. P. HAMPSON,

# ADDRESS

DELIVERED BY THE

BISHOP OF NATAL,

AT THE

SEVENTH SESSION OF THE CHURCH COUNCIL

OF THE DIOCESE OF NATAL,

HELD AT

DURBAN, 17<sup>th</sup> OCTOBER, 1882.

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My REVEREND AND LAY BRETHREN,—

Eight years have passed since the Sixth Session of the Church Council of this Diocese was held in 1874. The main reason for its not having been called together during this long interval, as ordered in Rule 59, ‘at least once in three years,’ has been this, that by the Churchwardens of one important congregation the provision made in the Fourth Rule of the Finance Board—

‘That at the close of Easter each year, one-thirteenth of the Offertory collections of the year shall be forwarded by the Minister or Churchwardens, without delay, to the Treasurer of the Finance Board, such funds to be applied at the discretion of the Board’—

was deliberately set aside, when of course, it became impossible to enforce by moral pressure that Rule, or any others, upon the other congregations throughout the Diocese. Now, however, the very same congregation, in Vestry assembled, has requested me to call the Church Council together, and I have gladly complied with their wish; and I trust that this Seventh Session, held, as we all know, at an important crisis, may help to inaugurate a new era in the history of the Church of England, not only in Natal, but in all South Africa.

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But, though during this interval no regular Session of the Council has been held, and no new election of Delegates has till lately taken place, the Council itself has not been extinct, since Rule 58 had provided that—

‘If from any cause a fresh general election shall not have taken place at the proper time, then the Delegates already chosen shall continue in office until the next general election of Delegates takes place.’

We have lost by death in the interim the Ven. Archdeacon Lloyd, M.A., who had been intimately associated with the history of the Colony, as well as with that of the Diocese, from the earliest times, and whose kindly presence and grey hairs, appearing in our midst from Session to Session, connected us with bygone days, known only now to very few of us. The Rev. Canon Nisbett, having retired from active work in extreme old age, and gone to live in England, can no longer be reckoned as one of the licensed Clergy of this Diocese, and an active member of this Council. The Rev. Arentz Tönnesen, having also left the Colony, has resigned his Canonry in the Cathedral Church. But I am glad to welcome among the Lay-Delegates here present to-day, some who took part also in the Session of 1874, and so have continued its existence down to the present time—who, moreover, have been members of the Council from the first and have helped in its work all along. Moreover, the ‘Standing Committee,’ first appointed in 1870, with an addition at the last revision in 1874, giving them ‘power to add to their number,’ has met repeatedly at Maritzburg, and, of late, regularly on the first Thursday of each month, besides adjourned and extraordinary meetings. And the Council, as well as myself personally, owe much to those gentlemen who have bestowed their time and thought in giving me advice under various emergencies, which have arisen during the intermission of the meetings of the Council itself.

The subject, which has been announced by me for special consideration on this occasion, is the recent ‘Judgment of the Lords of the Judicial Committee of the Privy Council on the Appeal of Merriman (Bishop of Grahamstown) v. Williams, from the Supreme Court of the Colony of the Cape of Good Hope, delivered 28th June, 1882,’ together with the consequences affecting ourselves in this Diocese, which directly or indirectly follow from it.

Since the delivery of that Judgment a lamentable accident has removed from the sphere of his earthly labours the Plaintiff in this case, Bishop Merriman, whose name can never be mentioned without very deep and sincere respect

by those who may not have known him personally, and may even have differed widely from some of his views, but who remember his devoted life as a Missionary, and the manliness with which he maintained to the last the principles which he had advocated all along, however on some points discordant with our own. In the letter which he wrote in reply to the Dean of Grahamstown, dated August 3, 1882, one of his very last public acts, Bishop Merriman reminds his correspondent that he (the Dean) is an 'excommunicated Priest,' who had 'called in an excommunicated Bishop and his adherents to assist him.' And, no doubt, both Dean Williams and myself, and all those in South Africa who are in communion with us, whether clergy or laity,—in other words, all the members of the Church of England in Grahamstown and in Natal—have been declared by the late Bishops Gray and Merriman 'excommunicated,' and have been excluded—not, of course, from the Church of England, but—from the Church of South Africa, as the Clergy and Laity of both those Churches are 'excommunicated' from the Church of Rome.

But—at all events, after the recent Judgment had been pronounced—Bishop Merriman was altogether wrong when he went on to say that Dean Williams had called me in to assist him 'in defying and supplanting the *lawful* Bishop of the See.' And equally mistaken, as it now appears, was the action of the Bishop of London last year (May 18, 1881), who, when asked, as a mere matter of form, to certify, as usual, that the three beneficed Clergymen, who had signed the testimonials of the Rev. Dr. Maurice Davies, 'nominated to the Head-Mastership of the Cathedral Grammar-School, Grahamstown,' were beneficed in his Diocese, refused to do so on the ground that the Dean of Grahamstown, to whom it was addressed, had 'renounced his allegiance to his Bishop.' For it has now been decided that there was no Bishop of Grahamstown, when I visited that City two years ago at the Dean's request, not as the 'lawful Bishop' of that Diocese, but in the absence of any lawful Bishop, and as the only Bishop of the Church of England within reach, on which occasion I administered the rite of Confirmation, admitting thereby a large number of young persons to the full privileges of our Church.

Most of you will, no doubt, have read and considered the Judgment in question as reported in the public journals. And you will be aware that the principles on which it is based are precisely those which in respect of this Diocese have been asserted again and again in the Law-

Courts, and which are here only more clearly defined and accentuated. I will mention one by one the points which have most struck me in perusing this Judgment.

(1) We find here an authoritative explanation of what is legally meant by the word 'Successor,' which is used in the Patents of the first and second Bishops of Capetown and Grahamstown, and in that of the Bishop of Natal—a point of grave importance whenever property of any kind, whether immoveable or funded, is claimed by any Bishop as 'Successor' to the first holder of the Title and Patent in question. For the Judgment says: 'By the Bishop's Successors were meant persons named and appointed by the Crown'—to the same Diocese, of course, all along—'and ordained and consecrated by the Archbishop of Canterbury.'

These conditions were fulfilled when Bishop Armstrong, the first Bishop of Grahamstown, was succeeded by Bishop Cotterill the second Bishop. But they were not fulfilled when the late Bishop Gray, who had been already 'ordained and consecrated by the Archbishop of Canterbury' was by his second Patent of Dec. 8, 1853, 'named and appointed by the Crown' to 'a See or Diocese to be called henceforth the Bishopric of Capetown'—that is to say, to be called by the same designation as his former See—they were not fulfilled, I say, in this case, because in his new Patent he was appointed to a totally different Diocese from that which he had held under his former Patent now resigned, the new Patent embracing, together with the Island of St. Helena, only the 'Western Districts' and certain other portions of the Cape Colony, instead of the whole of it 'with its dependencies,' which on Feb. 24, 1848, when the former Patent was issued, included this District of Natal. Accordingly on the Appeal, which secured my episcopal rights in our Cathedral Church, of which Bishop Gray under his first Patent was Trustee, the Privy Council ruled, July 20, 1869—

'He ceased to be Trustee when he resigned; he then ceased to have any interest, legal or otherwise, under the Grant.'

And the same applies, of course, as I have pointed out on a former occasion, to all properties held in trust by the late Bishop Gray under his first Patent, in the Dioceses of Capetown and Grahamstown; 'he ceased to be Trustee' in every instance 'when he resigned'; 'he then ceased to have any interest, legal or otherwise, under any of these Grants'—just as if he had been called in his new Patent (e.g.) 'Bishop of George,' instead of 'Bishop of Capetown.'

In the recent Judgment, however, as we have seen, it has been ruled that two conditions must be fulfilled, in order to constitute a *lawful Successor* to a Bishop holding Letters Patent from the Crown. *viz.*—

(i) That the Crown should ‘name and appoint’ him to be Bishop of the See held by his predecessor—

(ii) That the Archbishop, under the Mandate or License of the Crown, should ‘ordain and consecrate’ the person so named and appointed.

A person so ‘appointed’ and ‘consecrated’ would be a Bishop of the Church of England, as the present Bishop of Natal is, and would enter as legal ‘Successor’ upon all the trusts and engagements in which his predecessor was concerned.

Of course, it is not necessary that the nomination by the Crown in the case of a vacancy occurring, as now in the See of Grahamstown, should be made by Letters Patent. And, in fact, the Secretary of State for the Colonies informed the Natal Government some years ago that—

‘Her Majesty would not be advised to issue Letters Patent for the appointment of any Bishop of Natal in the event of a vacancy in the See.’

*A fortiori*, we may be sure, Her Majesty will not be advised to issue Letters Patent appointing a new Bishop of Grahamstown, in a Colony possessing an ‘Independent Legislature.’

But, further, the Secretary of State for the Colonies has notified to the Metropolitan Bishop of Sydney that—

‘Her Majesty will be advised to refuse, in conformity with the Judicial Committee, to appoint a Bishop to a Colony possessing an Independent Legislature, without the sanction of the Legislature’ :—

from which it follows that, if the sanction of the Cape Legislature should not be given, the Crown will be advised to refuse to appoint in any way a new Bishop of Grahamstown at the present juncture. The same rule will most probably be observed with respect to a new Bishop of Natal, whenever this See shall become vacant. And so the recent Judgment says (p. 13)—

‘One effect of these expositions of the Law was that the Crown ceased to grant Letters Patent in Colonies possessing Independent Legislatures. It has been supposed in this case that the Crown might still take such action as to give to Grahamstown a Bishop who should be a successor to Bishops Armstrong and Cotterill within the terms of the Patent erecting the Bishopric. But, though the Crown has not in any formal or public way decided not to resume the practice prevailing prior to 1863’—*i.e.*, apparently, the practice of issuing Letters Patent—‘their Lordships are clear that this case must be decided on the footing that the practice no longer exists.’

The Judges, who sat upon this case, seem not to have been aware that the Secretary of State had actually made a 'formal' announcement in the terms which I have just quoted, which was meant, no doubt, to be—as, in fact, it has been—published. But the Secretary of State went on to say—

'But Her Majesty will be advised, on the application of the Archbishop of Canterbury, to issue, from time to time, such Mandate as is required by Law to authorize the consecration of the Bishop, no Diocese, or sphere of action, however, being assigned in such Mandate.'

This notification would seem to imply that, so long as the Church of England lasts, 'as by law established,' the Crown will for the time being maintain its Supremacy in it in this way, *viz.*, by issuing a Mandate or Licence authorizing the Archbishop of Canterbury to consecrate as a 'Bishop,' unattached to any See, a certain person named therein, whereby through the Archbishop's act, authorized by the Crown, he becomes a Bishop of the Church of England, though without any sphere of action assigned to him, the Diocese, in which he is to act as Bishop, being determined for him by ecclesiastical processes alone. For instance, in a Diocese included in a Province under a Metropolitan Bishop of the Church of England, the Clergy and Laity might elect a Bishop in their own manner, or might express their desire that the Archbishop of Canterbury or a committee of English Bishops might choose a proper person for them, and the Metropolitan might present their request to the Archbishop, with the prayer that His Grace would apply to the Crown for authority to consecrate him, which being obtained, the Archbishop might consecrate, or authorize the Archbishop of York, or the Metropolitan himself, to consecrate on his behalf. Or, again, in a Diocese not under a Metropolitan Bishop of the Church of England, the Clergy and Laity might proceed in a similar way, and present directly their prayer to the Archbishop.

I am not aware that the Secretary of State has modified or superseded the notification in question, which implies, as I have said, that, in order to make a Bishop of the Church of England, who might claim to be in law 'Successor' to a Bishop holding Royal Letters Patent, the consent of the Crown must in some way be given, as the Supreme Authority in that Church. And, in point of fact, this rescript seems to have been followed down to a very recent time, since Lord Kimberley in a published Despatch, written (apparently) in 1881, speaking of Bishop Hose, who had just been made

Bishop in the Straits' Settlement, a Crown Colony, states as follows :—

' Bishop Hose has not been appointed by Letters Patent to that See. He has only been consecrated by the Archbishop of Canterbury under the Queen's License, with the intent that he shall exercise the Episcopal Office in one of Her Majesty's possessions, no particular possession being mentioned in the License. It is usual for the Archbishop of Canterbury to issue to the Bishop so consecrated a Commission assigning a sphere of action ; but the Bishop is not entitled to any territorial designation, nor to be addressed as "Lord Bishop." It is common for Bishops in such cases to adopt a territorial designation for convenience of reference ; but this is not officially recognised. In official documents the Bishop should be described as "The Right Reverend Bishop —," and should be addressed as "Right Reverend Sir."

From this it seems to follow that even Bishop Jones, though consecrated by the Archbishop of Canterbury under the Queen's License, cannot be officially addressed as ' My Lord Bishop ' or recognized as ' Bishop of Capetown ' ; and the same applies *a fortiori* to any Bishop who has not been so consecrated.

I think, however, that we must face the possibility, or even the probability, that in course of time—perhaps before long, and in connection, it may be, with the present crisis in the diocese of Grahamstown—this practice also of issuing a Royal Mandate or License, like that of issuing Letters Patent, will be laid aside, and, in consequence of such action on the part of the Crown, the Law-Courts may feel compelled to recognize in equity, under certain conditions, as ' Successors ' to the original Bishops under Letters Patent, Bishops whose consecration has not been authorized by the Crown, nor performed, directly or indirectly, by the Archbishop of Canterbury. Accordingly the recent Judgment says (p. 17) :—

' Among the Acts of the Provincial Synod of 1870 (held at Capetown), there are several provisions which, in the Supreme Court and here, have been relied on to show a disconnection between the Church of South Africa and the Church of England, and which their Lordships will not now discuss in detail. Such are the provisions of the 27th Canon, [which declares that ' if any question should arise as to the interpretation of the Canons or Laws of this Church or of any part thereof, the interpretation shall be governed by the general principles of Canon Law thereto applicable ], the declarations which refer to a possible alteration of the Creeds, and to a possible alteration of Formularies by a General Assembly, the provision in the 3rd Canon for the election of Bishops without the consent of the Crown, and the constitution of separate Ecclesiastical Courts. Their Lordships are not prepared to say that the effect of these provisions is to disconnect the Church of South Africa from the Church of England. The most important in this respect are the two last-mentioned provisions. But they are the necessary results of the legal and political situation as laid down by Her Majesty in Council, not the expression of any separatist intention. If they worked a dis-connection, there would be an absolute impossibility of connection between two Churches so situated. And it

appears to their Lordships that, though the existence of separate systems of appointing Bishops and of Ecclesiastical Tribunals is likely enough in the course of time to lead to divergencies, the mere fact of their establishment does not produce any such effect.'

It would seem, then, that various minor, and even some more important, variations from the system of the Church of England would be tolerated in the Law Courts, as not sufficient to establish a separation between any particular Church and the Church of England, though their Lordships have not now 'discussed in detail' the effect of such variations. For instance, the Privy Council, we know, decided generally in the Long case that the contract, expressed or implied, between a Clergyman of the Church of England and his Bishop in a Colony is only —

'to submit to his authority to such an extent, as to enable the Bishop to punish him for any lawful cause, that is, for such cause as would authorize the like punishment of a Clergyman by his Bishop in England.'

And the Judges, who sat in the recent case of appeal, have not entered into the question whether separation from the Church of England is implied, or not, in the present Rule of the Church of South Africa on the subject of the marriage of a divorced person. Originally Canon 14, Rule II, of that Church laid down the law as follows :—

'Whilst the Synod reserves, for the decision of higher authority in the Church, the question of the lawfulness or unlawfulness of the marriage of an innocent person who has obtained a divorce on the ground of adultery, it forbids any Clergyman of this Church to celebrate Holy Matrimony between persons, the divorced husband or wife of either of whom is still alive.'

But Canon 16, Rule II, in the Revised Code leaves it optional to the clergy to marry an innocent person whose divorced partner is still alive, though declaring them to be, as in England, 'free from all obligation to do so,' but it still—

'forbids the solemnization of matrimony by the Clergy of this Church between persons, either of whom having been divorced, and having his or her divorced partner still alive, is other than an innocent person who has obtained a divorce on the ground of adultery.'

And any Clergyman wilfully contravening 'any enactment of the Provincial Synod' is to be punished, (Can. 24, Rule I. 7) with—

'formal admonition or suspension for a term not exceeding six months, and further, until he shall have engaged to conform in future.'

While Canon 19, Rule XV, provides that—

'any person against whom Judgment has been given, who shall refuse to obey the sentence of any Tribunal of this Church, shall be, if not sentenced to suspension or deprivation, *ipso facto* suspended, and, if sentenced to suspension or deprivation, *ipso facto ex-communicated.*'

On the other hand, the original Rule has even been outrun by a resolution of a Diocesan Synod of a branch of the Church of South Africa held recently in Maritzburg, which without waiting for a 'decision of higher authority in the Church,' has stigmatised as 'adulterous' the union of two persons, one of whom, being perfectly innocent, 'has obtained a divorce on the ground of adultery.' A motion to this effect, it is said, is to be moved in the Synod to be held at Capetown next January. I need hardly say that no such a law as this, even in the Revised Code, making it penal for a Clergyman to marry a legally divorced person, whether innocent or guilty, is in force in England for the Clergy of the Church of England, and that the solemnization of matrimony between persons, either of whom has been divorced, and whose former partner is still living, would not 'authorise the like punishment of a Clergyman by his Bishop in England.' But the attempt made, in defiance of the law of the land, to fasten upon innocent persons, who may have been married after having been divorced, the charge of adultery, is much to be regretted. A statement of this kind may in our small community disturb painfully social relations. But it is one thing to make such a charge in general terms, and another to carry out publickly such a view in all its consequences; while anyone, whether clerk or layman, who should make or insinuate such a foul charge against an innocent person, would be guilty of a libellous calumny in the eye of the law.

Without going into such details, however, the recent judgment states that one thing is essential towards establishing a real and vital connection between the Church of England and another Church, and that is 'a substantial identity in their Standards of Faith and Doctrine.' And it goes on to say that there is one fact, which by itself has compelled their Lordships to come to the conclusion that the Church of South Africa is separated from the Mother Church, as the Chief Justice of the Cape held, 'root and branch,' and that fact is, that it does not receive the same Standards as the Church of England, its Constitution 'substantially excluding portions of the Faith and Doctrine of the Church of England.'

'The Standards of Faith and Doctrine adopted by the Church of England are not to be found only in the texts, they are to be found also in the interpretation which those texts have from time to time received at the hands of the Tribunals by law appointed to declare and administer the Law of the Church.'

'The Church of South Africa, so far from having done all in its power to maintain the connection, has taken occasion to declare emphatically that at this point the connection is not maintained. It was competent for the Church of South Africa to establish for itself any system of law which it thought fit. The facts of the case did not compel it to say that its Tribunals shall not take English decisions as authoritative. It might have declared that the Tribunals established by law for the Church of England, whether past or future, should be binding on the Tribunals of the Church of South Africa. That would probably keep the two Churches in connection for the longest period of time. But the obvious course for a Church, which desired to be in connection with the Church of England to all intents and purposes, would be at least to say *at starting* that its Faith, Doctrine, and Discipline should be those which *then prevailed* in the Church of England. Such a Church would, *until some fresh departures occurred*, be in connection with the Church of England.' (Page 19.)

But the Church of South Africa has gone out of its way to set forth emphatically—indeed, it may be said, ostentatiously—its determination not to be bound by any interpretation of the Standards and Formularies pronounced by the Supreme Authority in the Church of England. It has done this by the 3rd Proviso attached to Art. I of the Constitution, viz.:—

'Provided also that in the interpretation of the aforesaid Standards and Formularies the Church of this Province be not held to be bound by decisions in questions of Faith and Doctrine, or in questions of Discipline relating to Faith and Doctrine, other than those of its own Ecclesiastical Tribunals, or of such other Tribunal as may be accepted by the Provincial Synod as a Tribunal of Appeal.'

Accordingly the Judgment goes on to say (page 20):—

'The practical effect of this proviso may well be illustrated by reference to some important decisions of Her Majesty in Council.

'For instance, the decisions in the cases of Gorham v. Bishop of Exeter and Williams v. Bishop of Salisbury, both delivered prior to the Synod of 1870, affirm and secure the right of a Clergyman of the Church of England to preach freely the doctrines which were then in question. But in the Church of South Africa a Clergyman preaching the same doctrines may find himself presented and found guilty of heresy. Such a reservation on the part of the Church of South Africa must tend to silence and exclude those whom the decisions of Her Majesty in Council would protect in the Church of England.'

'The decisions referred to form part of the Constitution of the Church of England as by Law established, and the Church and the Tribunals which administer its laws are bound by them. That is not the case as regards the Church of South Africa. The decisions are no part of the Constitution of that Church, but are expressly excluded from it. . . . There are different Standards on important points. In England the Standard is the Formularies of the Church as judicially interpreted. In South Africa it is the Formularies as they may be construed without the interpretation.'

'It is argued that the divergence made by the Church of South Africa is only potential and not actual, and that we have no right to speculate on its effect until the tribunals of South Africa have shown whether they will agree or disagree with those of England. Their Lordships think that the divergence is present and actual. It is the agreement of

the two Churches which is potential. The Ecclesiastical Tribunals of South Africa *may* possibly decide in all important points as Her Majesty in Council has done. But the question is whether they have the same Standard; and, as has been shown, they have a different Standard.'

Some of you will, perhaps, remember that this is precisely what I stated in my Address to the Church Council in 1870, when I showed what divergence had actually taken place already in my own case between the Church of South Africa and the Church of England, instead of merely indicating what *might* take place in some imaginary case, as the Counsel for the Dean of Grahamstown appear to have done. I then said:—

'To this point I desire to draw your special attention. It marks a most momentous difference, which must inevitably tend to an ever-widening separation between our Church, the Church of England, and the Church of South Africa. It is a mere pretence—a mockery—to speak of holding the same Standards and Formularies, the same Creeds, Articles, and Liturgy, as the Church of England, if the interpretation of them is to proceed on totally different principles—in the one case being based on facts and the exact legal meaning of words, in the other upon the theological sentiments of the presiding Judge or Judges, supported by an appeal to "the general principles of Canon Law," whatever these may be.'

'To what great divergence of judgment these two modes of interpretation will immediately lead, was sufficiently exemplified in the case of my own (so-called) "Trial" at Capetown. Here we had three ecclesiastics sitting as judges, who ruled on three out of nine points brought before them in direct contradiction to subsequent decisions of Her Majesty in Council, and on a fourth in direct contradiction not only to the Judgment of the Court of Arches, the Court of the Archbishop of Canterbury, under whose "general superintendence and revision" the Bishop of Capetown was placed by his Letters Patent, but to the very principles on which that Judgment was founded, Bishop Gray saying:—

"I cannot concur in such a decision; it is a wrong to the Church thus to limit the meaning, and diminish the force, of its plain language."

It was, as you are aware, for not accepting the deposition pronounced upon me, first by the Metropolitan under his Letters Patent, before whom I refused to appear, and who was declared to have no authority to try me, and then by a Synod of Bishops, the (so-called) "Canonical" Court, to which I was not even summoned, that the sentence of excommunication was issued, as the late Dean Stanley stated in Convocation—

"not on account of any heresies, not on account of any errors, but simply because the Bishop of Natal did not accept a sentence pronounced upon him."

But in maintaining my own rights as a Bishop of the Church of England, who can only be "judged according to laws," (to use the words of Archdeacon Denison,) I was maintaining the rights of others as well as my own, *viz.*: the rights of the Clergy and Laity in this Diocese, and indeed

throughout all South Africa, who are not only in full communion, but in intimate organic connection with the Church of England.

For the recent Judgment, though it declares the Church of South Africa to be at the present time not in *connection* with the Church of England, but on a vital point separated from it, does not say that it is not in *communion* with it, which, of course, it is—just as the American Episcopal Church is.

Accordingly you will have seen that in a letter recently published, addressed to Bishop Jones, the Archbishop of Canterbury recognises this point, writing as follows:—

'No changes, which have taken place in the Church over which you preside, have in any way separated it from full communion with the Mother Church of England. The spiritual union of our members has been in no way touched by these questions. A Clergyman or a Layman of your Province finds himself readily welcomed at home as a member of our own Church; and I know that we receive in turn the full right of all Church privileges among you.'

In short, the Archbishop, who would be the last man to ignore—much less, to contradict and defy—a decision of Her Majesty in Council, does not 'identify' the two Churches and assert their organic connection, so that, for instance, a Clergyman, ordained by a Bishop of the Church of South Africa would be received in England on the very same footing as a Clergyman of the Church of England, and might, as such, be lawfully appointed to an English living, or undertake a cure and venture to perform the Marriage Service in England, even with the consent of the Bishop of the Diocese and Archbishop of the Province, as (under Lord Blachford's Act) a Clergyman ordained by any 'Colonial Bishop' may do. For I need hardly say that the term 'Colonial Bishop' in an Act of Parliament would be construed legally to mean—not a 'Bishop in a Colony,' as some seem to suppose, in which case a Roman Catholic Bishop, or a Protestant Bishop such as the late Bishop Schreuder, would be included under it, but—a Bishop in connection with the Church of England. And if any Clergyman, ordained to the Priesthood by a Bishop of the Church of South Africa, should have been appointed to a cure in England, it can only have happened through the Bishops of that Church having been erroneously assumed by some English Bishop to be 'Bishops of a Church in vital connection with the Church of England,' a delusion which the recent Judgment has completely dissipated. But the Archbishop says only that 'a Clergyman or Layman' of the Church of South Africa would be welcomed at home as a

'member' of our own Church—in other words, would be admitted freely to the Sacraments and other 'Church-privileges,' just exactly as the Clergy and Laity of the Protestant American Episcopal Church, or those of any other branches of the 'Pan-Anglican' Communion, would be received in England to the full privileges of 'members' of the Church of England, and would reciprocate in turn such brotherly kindness.

Bishop Jones, it is true, in acknowledging the receipt of the Archbishop's letter, has written as follows:—

'We cannot conceal from ourselves that the fact of the Judgment being adverse, and of the appeal being dismissed with costs, is likely to arouse serious misgivings in some minds as to the true *status* of our Church in South Africa, and as to its real and vital connection with the Mother Church. . . I feel no doubt that your Grace's letter will do very much—few things would do as much—to set these misgivings at rest.'

It is difficult to see how the Archbishop's letter can help at all to set such misgivings at rest. At all events, Bishop Browne, of Winchester, had evidently very grave 'misgivings' when he said lately at his Diocesan Conference of Clergy (*Guardian*, July 26, 1882):—

'We are now told by the Judicial Committee of the Privy Council in the Grahamstown case that a Church cannot be in communion [*sic*, but? 'connection'] with the Church of England unless it accepts not merely her Formularies—not merely the Prayer-Book and Articles—but her Formularies, Prayer-Book, and Articles, as interpreted by the Judicial Committee. That is quite a new thing, and an extremely awkward one. How we are to get out of the difficulty I really do not know; but it strikes me as the greatest that has yet come upon us.'

This Judgment, however, is only 'a new thing,' inasmuch as—for the information of 'Colonial Churches,' desirous of knowing how they may remain in real and vital connection with the Mother Church so as to hold properties with which the Crown would never have endowed Churches separated 'root and branch' from the Church of England, any more than it would have endowed the American Episcopalian Church—it enunciates distinctly the very same rule which had been laid down and enforced as law in the Mother Church itself, since the cases of *Gorham v. Bishop of Exeter* and *Williams v. Bishop of Salisbury*. Nor does it appear why a Bishop of the Church of England should call such a decision 'awkward,' and speak of it as 'a difficulty to be got out of,' 'the greatest which has yet come upon us,' when he is himself bound under the very same rule, and can 'get out of it,' of course, in one of two ways viz. by vacating his See, or by agitating successfully either to get the law altered or to get the Church of England disestablished. In point of fact, it

is just in this form, it seems, that the Supremacy of the Crown in the Church of England will in future be maintained in 'Colonial Churches,' viz., by their being bound to receive the Standards of the Mother Church, together with any interpretations of those Standards, which have been, or may from time to time be, issued by Her Majesty's Council, and which become at once Law for the Church of England.

II. The Judgment has also pronounced a decision of some importance with reference to the relations of the Bishop of the Diocese of Grahamstown, as constituted by the Queen's Letters Patent in connection with the Church of England, and the Dean of his Cathedral Church in the following statement (p. 15) :—

'The Defendant insisted on his own rights as Dean, which, as he asserted, quite erroneously, would, according to English rules, give him the right of excluding the Bishop from ministrations in the Cathedral.'

This rule, of course, applies to Bishops and Deans generally in Cities where there are no ancient statutes, as there are, I believe, in some English Cathedrals, which limit in some way the Bishop's prerogatives in respect of his Cathedral Church, and give to the Dean the right of excluding to some extent the Bishop from ministering in it. Of course since Bishop Merriman was not Bishop of a Church in real and vital connection' with the Church of England, but of one separated from that Church fundamentally, he had nothing whatever to do with the Diocese of Grahamstown, as constituted under Bishop Armstrong's Patent, or with the Cathedral Church of that Diocese, as nominated in that Patent, not being 'Bishop of Grahamstown' in the eye of the law, though assuming to be called, and usually called, by that title. And it is curious to notice how even the Lords of the Privy Council could lapse into the current error, against which their whole Judgment is a protest, by stating at the commencement, 'the Appellant here *is* the Bishop of Grahamstown,' instead of 'bears the title of Bishop of Grahamstown,' and 'the Respondent here bears the title of Dean of Grahamstown,' instead of '*is* the Dean of Grahamstown,' since Dr. Williams was appointed and installed as Dean by Bishop Cotterill, who held Her Majesty's Letters Patent, in which it was expressly provided :—

'We do hereby grant and declare that the said Bishop of Grahamstown and his Successors may found and constitute one or more Dignities in his Cathedral Church, and also may collate fit and proper persons to be Dignitaries of the said Cathedral Church.'

Accordingly the Judgment says elsewhere (p. 14)—

'So far as the Dignity goes, the Bishop may have had power under his Patent to create it; but he could not confer any authority with it, except such as might flow from contracts between the Defendant and others. In this case there were no special statutes for the Cathedral.'

It would seem that in respect to some other matters of fact their Lordships were not correctly informed, though these inaccuracies do not affect in any way the substance of the Judgment.

Thus it is stated (p. 9) that 'on the 20th December, 1853, the Crown issued Letters Patent erecting the Bishopric of Grahamstown'; whereas I have always understood that the first Letters Patent for Grahamstown were issued on the same day as those for Natal, and signed before the latter, viz., the 23rd November, 1853, that is, a week before the Consecration ordered by it, which took place on the 30th November, 1853.

Again, the Judgment quotes (p. 12) a passage from the previous Judgment delivered in December, 1864:—

'We apprehend it to be clear upon principle that after the establishment of an Independent Legislature in the Settlements of the Cape of Good Hope and *Natal*, there was no power in the Crown by virtue of its prerogative to establish a Metropolitan See or Province, or to create an Ecclesiastical Corporation, whose *status*, right, and authority the Colony could be required to recognise.'

This statement holds good as regards the present See of Capetown as constituted under Bishop Gray's second Patent, and also as regards the See of Grahamstown; since Bishop Gray's second Patent was dated 8th December, 1853, and Bishop Armstrong's was dated 23rd November, 1853, after an 'Independent Legislature' had been established in the Cape Settlement on the 11th March in that very same year (1853); whereas no such Legislature had been established in Natal at that time, nor indeed has yet been established here. Some of you will be aware that this mistaken view of the Privy Council, that in 1853 Natal was possessed of an 'Independent Legislature,' was corrected by the Supreme Court of this Colony on 9th January, 1868, the late Chief-Justice Harding stating—

'In my opinion the Privy Council proceeded on the erroneous assumption, either that Natal formed part of the Colony of the Cape of Good Hope—whereas in truth it was a separate and distinct Colony, 1,000 miles away from the Cape of Good Hope—or else that an 'Independent Legislature' or 'Legislative Institutions' existed in Natal in 1853, similar to what then existed at the Cape of Good Hope, whereas, in truth, the Cape of Good Hope in 1853 had an Independent Parliament, consisting of an elective House of Assembly and an elective Legislative Council, whilst in 1853, when the Plaintiff (the Bishop of Natal) received his Letters Patent, the Colony of Natal had no such 'Independent Legislature' nor any such 'Legislative Institutions,' and, in fact, possessed a Legislature wholly dependent upon the Crown.'

'I trust I need no apology for stating that, in my humble opinion resting on the facts I have stated, their Lordships, as regarded the Colony of Natal, proceeded in respect of the Plaintiff's Letters Patent on imperfect information as to the facts, in reference to the political condition of the Colony in the year 1853.'

'It only remains for me to state distinctly that, in my opinion, the Colony of Natal in 1853 was a Crown Colony properly so called.'

The Judgment of our Supreme Court on this occasion has not been appealed against, and is therefore at present law in this Colony, the Chief-Justice holding (as stated by Mr. Justice Phillips)—

'The Bishop of Natal's Letters Patent were perfectly valid, and, having been granted while this was a Crown Colony, they were as effectual as if the powers assumed to be conferred by them had been embodied in an Ordinance.'

And these 'powers,' as you are aware, include the right and the authority to license and to visit all Clergymen officiating as Clergy of the Church of England within this Diocese, except that Military Chaplains, when discharging purely military duties, are now placed under a Bishop of their own in England.

We may hope that at the approaching Provincial Synod of the Church of South Africa such measures may be adopted as shall put an end to the separation which (according to the recent Judgment) has so long existed between that Church and the Church of England, so that the Diocese of Natal, as originally intended by the Crown, may be comprehended with the Dioceses of Capetown and Grahamstown in the same Province.

We may venture to hope this, because some, at all events, of the Clergy, and a considerable body of the Laity, of the Church of South Africa desire to put an end to their present anomalous position, by striking out of their Constitution whatever militates vitally with the principles of the Mother Church. And the closing words of the Archbishop's letter to Bishop Jones may, perhaps, encourage us still more to cherish such a hope, viz.:—

'I pray that God's blessing may rest upon your unwearied efforts to promote in South Africa the interests of our common Church in the spirit of peace and love.'

These words, 'our common Church,' may, indeed, be meant to refer to the assemblage of different Protestant Episcopal Churches, Irish, Scotch, Colonial, and American, 'in full communion,' though not 'in organic connection,' with each other, whose Bishops met in the (so called) 'Pan-Anglican Synod.' And, accordingly, the last Provincial

Synod of the Church of South Africa passed the following Resolution :—

'That this Synod respectfully requests the Metropolitan of this Province to confer with the Lord Archbishop of Canterbury and the other Primates and Metropolitans of the Churches of the Anglican Communion respecting *the adoption of one common title and designation.*'

But they may also be understood as implying that Bishop Jones has been at last, through the recent Judgment, made thoroughly aware of what was only a matter of conjecture before, viz., of the false position in which he and his Clergy stand at present, as enjoying illegally endowments in land and money, besides payments from the Colonial Treasury, which belong to the Church of England, from which they are separated 'root and branch.' Thus the donor of the endowment for the Original See of Capetown (the Baroness Burdett-Coutts) has stated in reply to an enquiry from the Registrar of this Diocese as follows :—

'I can have no hesitation in declaring that the object of my endowment was to maintain a Bishopric of the Church of England in the Diocese of Capetown. Therefore any attempt to apply that endowment to the establishment of a separate Church is opposed to the views and wishes which I entertained at the time when I provided the funds, and still continue to entertain.'

Now that it has been judicially declared on the highest authority that the Church, to the establishment of which the endowment in question has been, and is at the present moment, applied, is a 'separate Church' from the Church of England, it may be that Bishop Jones feels it to be impossible, legally and morally, to be any longer a party in his own person to the misapprobation of this endowment, held in trust for the Church of England, and, if he still continues to receive his income from this source, will give himself on his return to South Africa to the work of healing the wounds of the past, and 'promoting the interests of our common Mother Church, in the spirit of peace and love.'

Had we no such hope as this, there would be other questions of importance which would require consideration at our hands, such as the steps to be taken to recover possession for our Church of certain lands and Churches which have been 'settled to uses in connection with the Church of England as by Law established,' but have been illegally taken possession of by the Clergy of the Church of South Africa, to whom (as the recent Judgment declares) no one 'can give a right to use' such property. And we might also again protest against the action of the *Society for Promoting Christian Knowledge* and the *Society for the Propagation of*

*the Gospel in Foreign Parts,* Societies bound by their Constitutions to use their funds in support of the Church of England and the Clergy of that Church—the XVIIIth Bye-Law of the Gospel-Propagation Society requiring its Missionaries ‘to be subject to the Bishop’ of the country in which they are employed, and its IVth Standing ‘Instruction’ bidding them—

‘To acquaint themselves thoroughly with the Discipline of the *Church of England* and Rules for the Behaviour of the Clergy, and to approve themselves accordingly as *genuine Missionaries from that Church*,’—

whereas these Societies within the last fifteen years have subsidized very largely in this Colony—to the extent of £30,000 or £40,000—the Church of South Africa in opposition to the Church of England, and for the purpose of crushing out the very life of the latter, so far as this Colony is concerned. But these questions may, I think, be set aside at present, until we see what the action of the Cape Synod will be.

III. Further the recent Judgment ends with this remark :—

‘Their Lordships wish to add their opinion that Courts of Law cannot settle in any satisfactory way questions affecting permanent endowments after a total change of circumstances has occurred, and their concurrence with the Chief Justice (of the Cape) in thinking that the Legislature alone can deal properly with such cases.’

And, so writes the Archbishop of Canterbury to Bishop Jones—

‘It seems to me that whatever difficulties have arisen as to the endowments of your Church ought as speedily as possible to be set at rest by some legislative action. . . . In view of the probability that questions respecting these endowments would arise in many Colonial Churches, it was, I remember, suggested many years ago in a Committee of the House of Lords, of which I was a member, that such questions should be set at rest by an act of the Imperial Legislature. It appeared, however, to a majority of the Committee that the passing of such an Act might be regarded by the local Legislatures as an undue interference with their rights. This circumstance, if I may venture to say so, would seem to make it more imperative on the various local Legislatures to deal as speedily as possible with the vexed question of endowments in whatever way is fair and just.’

No doubt, if we were all agreed—if, under the same wise system of comprehension which characterizes the Mother Church, the members of the two Churches in South Africa, now separated from each other, were willing to come together in a charitable spirit, leaving all differences and disputes that might arise in matters of Doctrine and Discipline to be settled in accordance with the Standards of the Church of

England and the interpretations which may from time to time be put upon them by the Supreme Authority in England—such local legislation would be possible at our united request, as it would be most desirable. But I am much mistaken if any local parliament would think it ‘fair and just’ to take from the Church which is in connection with the Church of England lands or funds with which it has been endowed in former days, while still members of that Church are here to claim their rights, and to pass them over to a Church which is separated from it ‘root and branch,’ and which has openly declared that it will not be bound by its laws. And we must not forget—to paraphrase some words of Bishop Cotterill which I formerly quoted—that—

‘The real question is between arbitrary power, such as a [Synod of Bishops] might think fit to exercise, and power limited and directed by English Law. We know that [in adhering to the Standards, and the judicial interpretations thereof, which are law for the Church of England], we appeal to England and to *the liberty of thought and conscience which England represents and protects.*’

As it may be, however, that in consequence of these recommendations some legislation will take place or be attempted at the Cape, in order to rectify the present disorder and provide a body of Trustees with perpetual succession, to hold and manage the properties belonging to the Church of England in the Dioceses of Capetown and Grahamstown, it may be well for us to await the action of the approaching Synod at Capetown on this point also, as it may assist us in amending the Draft Bill, with the same object in view, which was prepared in 1874 to be introduced into our own Legislative Council, and of which a copy will be laid upon the table. This Draft Bill was very kindly drawn at my request by a member of the present Council, Mr. Finne more, and was submitted to the then Secretary of State for the Colonies, Lord Carnarvon, who in a Despatch to the Lieutenant-Governor of Natal in 1874 called attention to one point to which he objected and which may easily be remedied. But Lord Carnarvon went on to say that he—

‘trusts that the subject will be brought before the Legislative Council at an early period, and that it may be found possible to pass a law which will put an end to the existing difficulties, and secure for the members of the Church of England the power of dealing with the property held in trust for that Church.’

We may hope, therefore, that this Bill, when amended and passed through our Legislature, will not meet the fate of the previous Bill, which was actually passed in 1871, but was disapproved by the Secretary of State on a Report of a

Committee of Her Majesty's Privy Council, who, however, stated as follows :—

' Some legislation appears to them to be necessary to provide a remedy for the present anomalous state of the said property, so that it may be made available for the use for which it was granted ; and in their opinion this would properly be effected by an Act of the Colonial Legislature, which should make provision for vesting the property in a Trustee or Trustees, and also for the appointment of succeeding Trustees, so as to perpetuate the Trust, which Act also should contain carefully-defined powers of sale, exchange, and leasing.'

It may be desirable, should time allow, that this Draft Bill should be read in the hearing of the present Council, that they may be made acquainted with its provisions and make any suggestions which may occur to them. But for the full consideration of this and other subjects I think it will be necessary that another Session of this Council should be held some months hence, when the Cape Synod shall have declared its intentions on these points.

It appears to me that a Resolution should be agreed to at this Session, to be prefixed to the Rules of the Church Council of the Diocese, declaring our own principles as members of a Church in vital, organic connection with the Church of England, not merely as living in a Diocese constituted by valid Letters Patent, having been issued at a time when this was a Crown Colony, but as resolved, on behalf of those represented in this Council, in accordance with the instructions of the recent Judgment, to adhere to the Standards of the Mother Church of England, as judicially interpreted in England.

Further, some of our existing Rules, as last amended in 1874, appear to require amendment, more especially as they would probably be referred to in any such Bill as that I have been speaking of, as the Rules by which the Church in this Diocese is governed. Copies of our Rules, as at present agreed to, are laid on the table, with such suggestions for their improvement as have occurred to my own mind ; and other members of the Council may be able to add to them from experience of their practical working in the past.

It is desirable that such measures as the Council may approve should be taken for increasing the Diocesan Fund, *e.g.* (I) by restoring to it a share of the seat-to-seat collections throughout the diocese, (II) by means of annual subscriptions, as in former years, (III) by repayment of the sums still due by certain congregations for sums borrowed by them, as recorded in their Vestry-Books, with express promises of repayment by instalments, of which balances, amounting

(without interest) to £1081, no instalment has for some years past been paid to the Diocesan Fund.

I believe also that the Ven. Archdeacon Colley wishes to lay before you a scheme under which he shall be appointed a travelling Archdeacon, that is, having no settled sphere of work, but visiting in turn the various places in his Archdeaconry which for want of funds, or want of men, may not be provided with ministers of their own.

I commend these matters to your thoughtful consideration, and I pray that the Divine Blessing may rest upon our labours.

I now declare this Seventh Session of the Church Council of the Diocese of Natal to be opened.

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The following letter from the Very Rev. the DEAN of GRAHAMSTOWN was meant to be read at the recent Session of the Church Council of the Diocese of Natal, but reached Durban a day too late for that purpose, and is here printed for the information of the Council:—

‘Grahamstown, 11th Oct., 1882.

‘ My dear Bishop of Natal,

‘ I cannot express how much regret I feel that severe and protracted illness has prevented me having the pleasure of accepting your kind invitation to be present at the Church Council proposed to be held in Durban next week.

‘ At this important crisis in the history of the Church of England in South Africa, and of the efforts which you and those who have worked with you have patiently and laboriously sustained to uphold the liberty of opinion which is cherished in the Church of England at home, I should have deemed it a high privilege to have shared the deliberations of such an Assembly as a listener, if not to have taken part in them actively, which I could claim no right to do but by permission of friends.

‘ I should have liked to state, as I have often done of late years, my settled conviction that there can be no peace for the Church of England, or bodies nominally sympathetic with it, in South Africa,—not, at least, in the two English Colonies of the Cape and Natal,—until all agree to act in accord with the Church of England as by Law established at home; satisfied, whatever the pious private opinions of individuals or schools may be, to stand together on the broad and comprehensive platform which has so long been protected and maintained in English Church life, under the legal supremacy of the Sovereign, advised by the Highest Court of the Empire in Church or State, namely, the Law Lords of the Privy Council.

‘ I should have had no little satisfaction in hearing your Lordship thanked for the noble, patient, dutiful and exemplary stand which you have made for so many years, through evil report

and good report, for the liberty of thought which has made the Church of England, at home or abroad, such as it is to-day, the nursery and guardian of a rational, tolerant Christianity, which knows how to embrace parties, and be patient of speculation, while witnessing to eternal truths, valuable alike to the educated and the lowly, to genius and mediocrity, to the lights of the age and to the toiling crowd.

'I should have been glad to hear the voice of one more Christian Assembly in South Africa, where it is as much needed as in any portion of the English world, raised against the clumsy and libellous weapon of private, unauthorised, and impotent excommunication, claiming to be authoritative,—raised, as I trust it will be, in the charitable and comprehensive spirit of our Church as administered at home, and not in any spirit of irritation or revenge.

'I should have been glad to see any prospect of the door being opened—which may God in His mercy grant!—to a reconciliation of both parties on the footing of comprehension and not exclusion, both in Natal and the Cape Colony.

'And, lastly, I should have prized the opportunity of confessing with regret, but without shame, that in former years, and with less experience, I had more confused notions of the Constitution of the Chnrch of England and of its value, and had inclined to the wish that it should be governed by parties and majorities like the State, and that certain views and critical enquiries, such as those which have made your own name famous, should be crushed out by votes, rather than by time and by confutation if they are wrong—but also of adding that I have lived long enough to reach the conviction long ago that such aspirations are against the interests of a rational and potent Christianity, as much as they are opposed to the spirit of our National Church.

'One principle, however, I always maintained, and never swerved from, from the day I first contemplated Colonial Church life; and that is, that, exactly such as the Mother Church of England is at home, so should the Daughter Church be in her Colonies, and that separation or independence should never be thought of. Time may work reforms at home, if they are needed; and we can wait for time here. Far better that, than striking out an erratic and perhaps mischievous course.

'I will not allude to the bitter past, further than to say that, while we can credit all with good intentions, none need be ashamed to be taught by experience. Our mission is from

the Church of England, just as she is, or I cannot see what mission we have ; and I pray that all parties now may be moved to join hands in returning to the old platform.

'If this is accomplished by the action of Assemblies on both sides, there need be no more law-suits, and no more bitterness. If it is not done, property dedicated by trusts to Church of England uses must be kept for the purposes so designated, at whatever cost in peace and happiness ; and so strife and separation will be made a lamentable Institution of South African life, in connection with the religious bodies claiming sympathy with the Church of England.

'The approaching year may witness a blessed or miserable religious crisis, and great responsibility rests on those who have the guidance of the Conferences on either side.

'May God's blessing in amplest measure rest on yours next week !

'I remain, my dear Lord Bishop,

'Your faithful Servant,

'The Right Rev.

'F. W. WILLIAMS, D.D.,

'The Lord Bishop of Natal.' 'Dean of Grahamstown.'



# RULES

TO BE OBSERVED IN THE DIOCESE OF NATAL,

AGREED TO BY THE

## COUNCIL OF THE CHURCH OF ENGLAND IN THE SAID DIOCESE.

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*AS REVISED AT ITS SEVENTH SESSION, 1882.*

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### FORM OF PRAYER

TO BE USED AT THE BEGINNING OF EACH DAY  
WHEN THE COUNCIL MEETS.

PREVENT us, O Lord, in all our doings, with Thy most gracious favour, and further us with Thy continual help, that in all our works, begun, continued, and ended in Thee, we may glorify Thy Holy Name, and finally by Thy Mercy obtain Everlasting Life, through Jesus Christ our Lord. *Amen.*

O God, forasmuch as without Thee we are not able to please Thee, mercifully grant that Thy Holy Spirit may in all things direct and rule our hearts, through Jesus Christ our Lord. *Amen.*

O Thou, that art the Father of Lights and Giver of every good and perfect gift, the Fountain of all wisdom, be present with us, we beseech Thee, at this time, who humbly desire Thy help. Guide Thou our counsels, enlighten our minds, quicken and purify our hearts, and overrule our doings, that in all things we may do Thy Will and advance Thy Glory, through Jesus Christ our Lord. *Amen.*

THE LORD'S PRAYER.

THE BLESSING,

## FORM OF PRAYER

TO BE USED AT THE END OF EACH DAY WHEN THE  
COUNCIL RISES.

O Almighty and most merciful God, of Thy bountiful goodness keep us, we beseech Thee, from all things that may hurt us; that we, being ready both in body and soul, may cheerfully accomplish those things that Thou wouldest have done, through Jesus Christ our Lord. *Amen.*

O Almighty LORD and everlasting GOD, vouchsafe, we beseech Thee, to direct, sanctify, and govern, both our hearts and bodies, in the ways of Thy laws and in the works of Thy commandments; that through Thy most mighty protection, both here and ever, we may be preserved in body and soul, through Jesus Christ our Lord and Saviour. *Amen.*

### THE BLESSING.

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## STANDING ORDERS.

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### ORDER OF PROCEEDINGS.

1. The Bishop, if present, shall preside at the Meeting; and in his absence at the commencement of the Meeting, the Members present shall elect a Chairman, *pro tempore*, and proceed to business. In case of a temporary absence of the President during the Meeting, he shall name some Member to occupy the Chair in his place.
2. Notices of Motion shall be given at a sitting of the Council previous to the discussion of the Motion.
3. The sittings of the Council shall be begun and ended each day with prayer.

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## RULES FOR PRESERVATION OF ORDER.

4. When the Bishop, or other person presiding, has taken the Chair, no Member shall continue standing.
5. When any Member is about to speak for the information of the Council, he shall rise and address himself to the Chair.
6. No Motion or Amendment, except a Motion for Adjournment or to go into Committee, shall be considered as before the Council, except such as may be proposed by the Bishop or Committees, unless seconded and reduced to writing.
7. No Member shall speak more than once upon the same subject, without asking and receiving permission from the Chair, except the

proposer of a resolution, who shall have the right of reply, or his seconder, if the proposer should decline to reply.

8. When a question is under consideration, no other Motion shall be received, unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide it; and Motions for any of these purposes shall have precedence in the order here named.

9. Motions to adjourn, or to lay on the table, shall be decided without debate.

10. When a Motion has been read to the Council by the Chairman or Secretary, it cannot be withdrawn by the mover without the consent of the Council.

11. Each Member of the Council shall have a right to require, at any period of the debate, that a Question under discussion be read for his information.

12. A Member called to Order whilst speaking shall sit down, unless permitted to explain.

13. All questions of Order shall be decided by the Chair.

14. All Amendments to a Motion shall be discussed in the order in which they are proposed, and shall be put from the Chair in reverse order.

15. When an amendment has been proposed, and is under consideration, no Amendment to such Amendment shall be in order; but a new Amendment upon the original Motion may be proposed, provided it deals directly with the subject in hand.

16. All Amendments shall be decided on before the Question or Motion on which they arise is proposed for decision.

17. Whilst any Question is being put to the Vote from the Chair, the Members shall continue in their seats, and shall not hold any private discourse; and, when a Motion is put, no Member shall retire until such Motion is disposed of.

18. The Votes of the Members shall be taken on every occasion individually, and not the votes of the Clergy and Laity separately on any occasion.

19. In voting, those who vote in the affirmative shall first vote, and the voting shall be by show of hands.

20. A Question, having been once determined, shall not again be drawn into discussion during the same session, without the special sanction of the Chairman.

21. Members dissenting may enter on the books of the Council their dissent; and in all cases the number of affirmative and negative votes shall be recorded.

22. When the Council is about to rise, every Member shall keep his seat until the Chairman has left the Chair.

23. Eleven Members of the Council, including the Chairman, shall constitute a quorum.

24. The Chairman shall have a casting vote only.

## RULES REGARDING COMMITTEES.

25. The proposer of any Committee shall submit a list of persons to be appointed, subject to amendment by the Council.
26. The Reports of Committees shall be in writing, signed by the Chairman, and shall be received in course.
27. The Chairman of the Committee, or some Member deputed by him, shall explain to the Council the bearing of any portion of the Report, if requested to do so by any Member of the Council.
28. All Reports of Committees, recommending any action or expression of opinion, shall be accompanied by a resolution for the action of the Council thereupon.
29. No Report shall be presented by a Committee which has not been read by, or in the presence of, a majority of such Committee.
30. All Reports brought in by Committees shall, if adopted, be issued in the name of the Council.
31. At the close of each sitting of Council, the Secretary shall give notice of the times of meetings of Committees.
32. An Address from the Bishop shall be in order at any time.

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## ORDER OF BUSINESS.

- i. Reading, correcting, and approving the Minutes of the previous Meeting.
- ii. Appointing Committees.
- iii. Presenting, reading, and referring Memorials and Petitions.
- iv. Presenting Reports of Committees.
- v. Giving Notices of Motions.
- vi. Taking up unfinished business.
- vii. Consideration of Motions.

# RULES, &c.

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WE, Clergy and Lay Delegates of the Church of England in the Diocese of Natal, in Council assembled, do agree and determine as follows:—

‘ We receive as authoritative the Standards and Formularies of the Church of England as by Law established in England, as also any interpretations of the same, whether present or future, pronounced, by the Tribunals established by Law for the Church of England.’

## FORMATION OF PAROCHIAL DISTRICTS AND PARISHES.

1. The Bishop shall define temporarily the boundaries of any District, within which a clergyman or clergymen may be appointed to minister; and such temporary District shall be called ‘The Parochial District of \_\_\_\_\_ in the Diocese of Natal.’

2. The Bishop shall have power to alter at any time, as may seem to him expedient, the limits of any such Parochial District, so as not to interfere with the boundaries of any Parish or Parishes, which may be formed as hereinafter to be mentioned.

3. The Bishop, with the Archdeacon (if any) of the Archdeaconry concerned, shall have power to define the boundaries of any Parish within the Diocese (so as not to interfere with Parishes already formed), either of his own motion, or upon the petition in writing, of at least twelve enrolled laymen, having their fixed places of abode within the boundaries of the proposed Parish, which boundaries shall be defined in such petition.

4. If the Bishop and Archdeacons decline to accede to the request of the Parishioners aforesaid, they, the Parishioners, may bring the subject before the next ensuing meeting

of the Church Council; and if at least three-fourths of the Clergy and Laity then present shall consent to their request, the Parish in question shall be constituted *ipso facto*.

5. The Bishop shall have the power to alter at any time, as may seem expedient to him, the limits of any Parish in the Diocese, with the consent of the Minister (if any) and the Churchwardens of such Parish for the time being.

6. If the Bishop shall deem it expedient at any time to alter the limits of any Parish, and the consent of the Minister (if any) or of the Churchwardens of such Parish for the time being, or either of them, be withheld from such alteration, the Bishop may bring the subject before the next ensuing meeting of the Church Council; and if the majority of the Clergy and Laity then present shall approve of the change in question, the Bishop shall have the power to make it, notwithstanding the withholding of consent, as aforesaid, on the part of the Minister, or Churchwardens, or either of them.

#### REGISTRATION OF PARISHIONERS.

7. The Churchwardens of every Parish shall keep a Register, or Church-Roll, in which shall be entered the names of all Parishioners who shall be entitled to vote for the election of Delegates to the Church Council, and in all other Meetings of Vestry in the said Parish.

8. The following declaration shall be inscribed at the head of the Church-Roll of every Parish :—

‘I declare that I am a Member of the Church of England in the Diocese of Natal.’

9. Every male adult of twenty-one years and upwards, resident within any Parish, who shall have subscribed the Church-Roll of the Parish, in the presence of the Minister or of a Churchwarden, shall be deemed and taken to be a Parishioner of the said Parish.

10. The Bishop may name one place or more within the boundaries of any Parochial District, at each of which a Church-Roll may be kept: and, if there be no Churchwarden at any such place, the Bishop may appoint some person or persons to discharge, with respect to it, the duties usually performed by Churchwardens.

11. Any person, duly qualified, may enter his name on

the Church-Roll of any Parish or Place within the Diocese, and have the rights of a Parishioner, in common with all who are entered on the same, but may not vote as a Parishioner of any other Parish or Place.

12. The Church-Roll of every Parish or Place shall be revised and corrected by the out-going Churchwardens, before Easter in each year, by striking out the names of any, who, from death or other causes, have ceased to be Parishioners, and shall be presented by them at the Easter Vestry.

13. A corrected copy of the Church-Roll of every Parish or Place, duly certified by the Churchwardens, shall be forwarded by them to the Bishop within a week after the Easter Vestry Meeting in each year.

#### VESTRIES.

14. When a Vestry is to be held in any Parish or Place, public notice of the same shall be given in writing, signed by the Minister, or by one or both of the Churchwardens, and affixed to the Church door (or in some other conspicuous place) before Morning Service (or, if there be no Morning Service, then before Evening Service), on the Sunday before the day on which the Vestry is to be held. The said notice shall state plainly the *hour* and *place* at which, and any special purpose or purposes for which the Vestry is to be holden; and three entire days, at least, shall intervene between the notice on the Sunday and the day of Meeting. Similar notice shall also be given by the Minister in the Church on Sunday, at the end of the Morning Prayers (or, if there be no Morning Service, then at the end of the Evening Prayers); and such notice shall be read by the Minister, or by one of the Churchwardens, at the commencement of the business of the Vestry. Should the Minister, however, from any cause, omit to give the notice in time of Divine Service, such omission shall not invalidate the proceedings of the Vestry; and, if it appear desirable, one or both of the Churchwardens may insert the notice of such Vestry in the public journals.

15. The Vestry of any Parish or Place may be summoned to meet at any convenient time or place, and may be

adjourned by the Chairman with the consent of those present, to any other time or place.

16. The Minister, for the time being, of any Parish or Place, shall, if present, be the Chairman of any Vestry of the same. If the Minister be not present, or decline to preside, then the Parishioners present shall elect a Chairman from among themselves, and proceed to business.

17. No business shall be transacted at any Vestry held for the election of a Delegate to the Church Council, unless three at least of the Parishioners be present.

18. At all meetings of Vestry, each question shall be decided by plurality of votes, the Chairman having only a casting vote.

19. At Vestries held for the election of Delegates to the Church Council, if the number of persons proposed for election in any case exceed the number to be elected, then each Parishioner may give a vote for each of any number of candidates not exceeding the number to be elected, the Chairman having a casting vote as before, in the case of an equality of votes for two or more candidates.

20. In all Vestries, the votes of those present shall bind the absent, unless, at the time of the vote being taken upon any question, a poll be demanded by any one of the Parishioners, or be directed by the Chairman of his own motion.

21. In case of a poll being demanded or directed as aforesaid, the Chairman shall take the names and votes at once of all the Parishioners who are present, and shall fix a place where the poll shall be kept open for two entire days, between the hours of 10 A.M. and 4 P.M.

22. Upon a poll being taken, the decision of the majority shall bind the minority, as well as any Parishioners who may not have voted upon the question. And the Minister and Churchwardens, or a majority of them, may strike off from the Church-Roll any who shall refuse to submit to such decision, until he is willing to submit to the authority of the Vestry.

#### ELECTION OF CHURCHWARDENS.

23. Two persons shall be elected annually from among

the Parishioners of each Parish or Place, to be the Churchwardens of the same.

24. For the election of Churchwardens a Vestry Meeting shall be held, after notice duly given as above, and signed in this case by the Minister, in the week following Easter Sunday ; and those elected shall enter on their office as soon as elected, when the outgoing Churchwardens shall retire.

25. The Churchwardens shall be chosen either by the joint consent of the Minister and Parishioners, or one by the Minister and the other by the Parishioners ; and the election shall be notified without delay to the Bishop, by the Minister.

26. All Churchwardens, after their election, shall attend, when summoned, before the Bishop or his Archdeacon, at his next ensuing visitation, when they shall be admitted to their office, and subscribe a declaration as follows :—

*I, A.B., declare that I will truly and faithfully execute the office of Churchwarden, to which I have been elected, according to the best of my judgment and ability.*

Signed

A.B.

Dated

27. No one shall act as Churchwarden, until he shall have been admitted to office as above, or be ready and willing to be so admitted.

28. If only one duly qualified person be appointed for any Parish or Place at the Easter Vestry, he shall discharge singly the duties which would otherwise be discharged by the Churchwardens. If none be elected, the Bishop may appoint a Parishioner, to act as Churchwarden for the Place or Parish in question.

29. In case of a vacancy occurring in the office of a Churchwarden, during the year for which he has been elected, from death, resignation, removal of residence, or any other cause, a Vestry shall be summoned to appoint a successor, and such election shall be notified to the Bishop, and the newly elected Churchwarden admitted to office as before.

#### DUTIES OF CHURCHWARDENS.

30. It is the duty of the Churchwardens to see that the Church be furnished with the following articles :—

- I. A large Bible, of the authorised version.
- II. A large Book of Common Prayer.
- III. A small Book of Services, or Prayer Book, for the Communion Table.
- IV. A Baptismal Font.
- V. A Communion Table.
- VI. A cover to it, of silk or other decent stuff.
- VII. A fine linen cloth to be spread on it, at the Administration of the Lord's Supper, and a napkin to cover the elements.
- VIII. Proper vessels for the due administration of the Holy Communion, and a decent basin or plate to receive the alms.
- IX. A Reading Desk and Pulpit.
- X. A decent Surplice for the Minister.

31. Besides these articles, the following are to be procured and kept for the Parish :—

- I. Register Book or Books for Baptisms, Confirmations, Banns, Marriages, Burials.
- II. A Church Roll, or Book, containing the Form of Declaration subscribed to by all lay Members of the Church.
- III. A Book for entering the Minutes and Resolutions of the Vestry.
- IV. A Book for the Accounts of the Churchwardens.
- V. A Chest, with lock and keys, to keep the Parish Books in—one key to be kept by the Minister, and one by each of the Churchwardens.
- VI. A copy of Fees allowed to Ministers, and of dues charged by the Parish for Interments, to be suspended in the Church or Vestry.

32. An account is to be kept in the Vestry-book of all Church goods and property, with such additions as may from time to time be made to them.

33. It is the duty of the Churchwardens to take proper measures for all necessary repairs to the roofs, walls, windows, floor, and all other parts of the fabric of the church, and to take care that the churchyard or burial ground is properly fenced and kept in order.

34. But if any *alteration*, by way of improvement of the church, be sanctioned by the Vestry, it is the duty of the Churchwardens, before proceeding therein, to apply to the Bishop or Ordinary, for his approval and licence for the same.

35. It is the duty of the Churchwardens—

- I. To provide fine white bread and wholesome wine for the Lord's Table.
- II. To gather the alms of the congregation at the offertory and other collections.

III. To see that the Church, and all things therein, be in decent and orderly sort, and free from dust or anything unseemly.

IV. To maintain order within the Church during the time of Divine Service.

V. Not to suffer idle persons to abide in the Churchyard or Church-porch during service, but to cause them to come in or to depart.

36. The Minister has a discretionary power of fixing the times of Divine Service, under the control of the Bishop or Ordinary, whose province it is, on application to him, to regulate matters of this kind.

37. The Minister has the entire direction of the *playing* and *singing* in the Church; but questions connected with the salary of the Organist rest with the Vestry.

38. The Church-bells are not to be rung without the joint consent of the Minister and Churchwardens, except in a case of emergency.

39. The Ministers, Catechists, and Churchwardens of all churches in the Diocese shall provide that a seat-to-seat collection shall be made after every Sunday service, as also on Good Friday and Christmas Day, and at such other times as the Ordinary may direct.

40. It is the duty of Churchwardens to see that, as far as can be, the *Parishioners*, in the first instance, and then any others attending Divine Service, be accommodated within the Church.

41. Should any one be discontented with the Churchwardens' arrangement, he may appeal to the Bishop or Ordinary.

42. Where seat-rents are paid, all sittings are to be opened to any worshippers after the commencement of Divine Service. It is desirable that a notice to this effect be posted on the Church-door.

43. No interments are to take place within the Church, or within fifteen feet of the walls thereof.

44. No monuments or mural tablets are to be set up in the Church, without the express permission of the Bishop or Ordinary.

#### FEES.

45. The following fees shall be taken:—

	Minister.	Clerk.	Sexton.
	£ s. d.	£ s. d.	£ s. d.
Marriage, by Banns.....	0 10 0	0 5 0	0 0 0
Marriage, by Licence.....	1 0 0	0 10 0	0 0 0
Publication of Banns.....	0 5 0	0 0 0	0 0 0
Burial, Adult.....	0 5 0	0 2 6	0 10 0
" Child under ten years..	0 5 0	0 2 6	0 7 6
Certificate of Baptism, Marriage, or Burial :—			
For each Search.....	0 2 6	0 0 0	0 0 0
For each Certificate.....	0 2 6	0 0 0	0 0 0

46. Burial Fees to be charged for the ground :—

Each Single Grave, 8 feet by 3 feet	...	...	...	£0	7	6
Each Grave, with possession,* 8 feet by 4 feet	...	...	...	0	15	0
Erection of a Headstone...	...	...	...	0	10	0
Single Vault, 8 feet by 4 feet	...	...	...	1	0	0
Family Vault, 8 feet by 8 feet	...	...	...	2	10	0
Family Vault, 8 feet by 12 feet...	...	...	...	5	0	0

For additional ground 1s. 6d. per square foot, subject to the discretion of the Churchwardens. Except charges for vaulting and enclosing, undertakers conducting Funerals are to be considered responsible for all Fees and charges incurred for interments ; but should they decline such responsibility, the fees must be paid before opening the ground.

These fees are to be paid to the Churchwardens for the sustentation of the Burial-Ground, in the first instance ; and, if any balance remain, it may be applied for other parochial purposes.

47. In any place where there is a church, but no settled Incumbent, and in the absence of a duly licensed Minister or Catechist, the Bishop may, at the request, or with the consent, of the Churchwarden or Churchwardens, if any, allow Ministers of other denominations to celebrate Divine Service therein.

48. In any Cemetery Burials may be conducted by Ministers of other denominations with their own forms, provided that the consent of the Minister, if any, and Churchwarden or Churchwardens, if any, has first been obtained and the usual fees have been paid, as above.

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NOTE.—\* The word ‘possession’ implies the right of enclosing or putting up a Headstone or Footstone.

## RULES RELATING TO THE CHURCH COUNCIL.

49. The Church Council for the Diocese of Natal shall consist of the Bishop and all duly-licensed Clergymen and duly-elected Delegates of the Laity, who shall sit and vote in one House, of which the Bishop shall be President *ex officio*; and the Bishop shall have the power of *veto*, which veto shall take effect for the then present session of the Council, but shall cease to take effect if the same measure be approved by at least three-fourths of the members present at the next Session.

50. The Parishioners, whose names are entered on any Church-Roll, shall have power to elect *one* Delegate to represent them in the Church Council, if their number be not less than *twelve*,—*two* Delegates, if their number be not less than *twenty-five*,—and *three*, if their number be not less than *fifty*; and no congregation shall send more than three Delegates.

51. If the number of names entered on any one Church-Roll be under twelve, the Bishop shall have power to combine, at his discretion, two or more Church-Rolls in one, for the purpose of an election.

52. When an election is to take place, the Bishop shall notify the same to the Minister and Churchwardens of each Parish or Place, and shall require that a vestry be summoned without delay, to elect one or more Delegates, as the case may be.

53. Each Delegate shall subscribe the following declaration on the first day of every meeting of the Church Council, before he shall be allowed to take his seat in it :—

*'I, A.B., elected to represent the Laity of  
in the Church Council of the Diocese of Natal, do declare that  
I am a Member of the Church of England.'*

54. No one shall be eligible to be nominated for election as a Delegate to the Church Council, to represent the Laity of any Parish or Place, unless he shall have first received a requisition, signed by at least three of the Parishioners of the said Parish or Place; which requisition, with a notice of its having been accepted, shall be affixed to the Church-doors, or other conspicuous place, where the notice of the

Vestry for the election of Delegates would be placed, on some day previous to the day of election.

55. In any District where there is no Church or place where Divine Worship is held regularly on Sundays, it shall suffice if the requisition to any candidate be signed by at least twelve persons who have signed the Church Roll, and accepted by him, without the need of a formal election.

56. The Chairman of the Vestry at the time of election, or where there is no Vestry, the person appointed by the Bishop to act as returning-officer for the occasion, shall sign and forward to the Bishop without delay a statement of the result of the election, together with a statement of the total number of persons upon the Church-Roll of the Parish or place in question.

57. The Delegates chosen at each general election shall continue in office until July 1 of the third year after such election, before the end of which time the Bishop shall give notice of a fresh election of Delegates. But, if from any cause a fresh general election shall not have taken place at the proper time, then the Delegates already chosen shall continue in office until the next general election of Delegates takes place.

58. The Church Council shall be summoned by the Bishop to meet at least once in three years.

59. The Bishop shall summon the Church Council to meet in the intervals of the regular sessions, if requested to do so by at least two-thirds of the Council, or if, in his own judgment, any emergency shall seem to require it.

60. In case of the Church Council being summoned to meet, as above, in the interval of the regular triennial sessions, the Bishop shall require that Delegates be elected to fill any place in the Council that may be vacant from death, resignation, or any other cause, and shall also empower any Parishes or Places to elect Delegates, which may have become qualified to do so in the interim.

61. In case of the absence of the Bishop from the Diocese or a vacancy of the See, the powers and duties, having reference to the Church Council, which have been committed by these Rules to the Bishop, shall devolve upon the Dean of the Cathedral Church of Pietermaritzburg, or, if there be no Dean, then upon the senior Archdeacon of

the Diocese of Natal, or, if there be no Archdeacon, then upon the senior Presbyter of the Diocese, except the power of *veto* in Rule 49.

62. The Registrar appointed by the Bishop shall be the Registrar of the Diocese of Natal, and, as such, shall have the right to attend and vote at all meetings of the Church Council; and, if there be no Bishop's Registrar, the Church Council shall appoint a Registrar of the Diocese.

#### LICENSING OF CLERGY.

63. Every Presbyter of this Diocese, who shall be appointed to a Cure of Souls, shall receive from the Bishop a licence securing to him all the rights in his Church and Parish, so far as the circumstances of the Colony will allow, which are enjoyed by an incumbent in England.

64. Every Clergyman, before being licensed to officiate in this Diocese, shall sign a declaration that he will be subject to the Rules of the Church Council of this Diocese, as modified from time to time by the authority of the Council, so far as such Rules are not at variance with the Doctrine, Worship, and Discipline of the Church of England.

65. No Clergyman, who is not of this Diocese, shall officiate for more than one Sunday in any church without permission from the Bishop, or shall officiate regularly in any church without the Bishop's Licence.

66. The 'Rules for the Finance Board' and 'Resolutions with reference to the Standing Committee,' together with the 'Resolution with reference to filling up the See of Natal in case of a vacancy,' as appended below, are adopted by this Council.

#### REVISION OF RULES.

67. It shall be competent for the Council at all times to revise, correct, or add to, any of its Rules, as necessity may require—two-thirds of the Members being then present, and the total number of the Council not being held to include any who may not have taken their seats, or who may be absent from the Diocese.

J. W. NATAL.

## I.—RULES FOR THE FINANCE BOARD.

*As Revised and Settled at the Seventh Session of the Church Council,  
Held at Durban, October 17th and 18th, 1882.*

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1. A Board shall be appointed to hold and manage Diocesan Property, and to manage Diocesan Funds, to be called 'The Finance Board of the Diocese of Natal.'

2. Every Clergyman of the Diocese shall be *ex officio* a Member of the Finance Board, and every Churchman who shall at any time have made a donation of £5, or be an annual subscriber of £1.

3. A list of Members and Subscribers, with the amount of their subscriptions, and also an account of the manner in which the funds have been spent, shall be printed and circulated annually.

4. A meeting of this Board shall be held half-yearly, alternately at Maritzburg and Durban, on the first Thursday in April and October, at which grants may be made, at the discretion of the Board, for Church purposes.

5. Five Members of the Board, including the Chairman, shall constitute a quorum at such meetings, the Bishop, if present, being Chairman, and the Chairman shall have only a casting vote.

6. The Church Council shall appoint a Secretary of the Financial Board, who shall also be Secretary of the Standing Committee and Treasurer of the 'Diocesan Fund,' consisting of rents and other sums to be used for general purposes, and shall account for the same at the half-yearly meetings of the Board, and also present an Annual Report on the first Thursday in October in each year.

7. The Bishop, subject to the approval of the Finance Board, shall manage at present the 'Native Diocesan Fund,' consisting of rents and other sums appropriated to native purposes, and account for and report the same to the Finance Board, as in the case of the 'Diocesan Fund.'

8. In the event of the See becoming vacant, the Secretary of the Finance Board, subject to the approval of the Standing Committee, shall manage the 'Native Diocesan

Fund,' as well as the 'Diocesan Fund,' until the appointment of a new Bishop.

9. A commission of 5 per cent. shall be allowed for collection of rents and other sums accruing to the Diocesan and Native Diocesan Funds.

10. Quarterly in each year one-thirteenth of the collections of the previous quarter shall be forwarded by the Minister or Churchwardens, without delay, to the Secretary of the Finance Board, such Funds to be applied at the discretion of the Board.

11. The Standing Committee of the Church Council shall have power, during the intervals of the Sessions of the Council, to remove the Secretary, if necessary, and to fill up any vacancy occasioned by resignation, absence from the Colony, death, or any other cause, subject to the approval of the Council at its next meeting.

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## II.—RESOLUTIONS WITH REFERENCE TO THE STANDING COMMITTEE.

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1. This Council do appoint the following gentlemen to be a Standing Committee, of whom *three*, including the Chairman, shall be a quorum; the Bishop, if present, shall be Chairman, *ex officio*, and the Chairman shall have only a casting vote:—

### MEMBERS (*EX OFFICIO*).

The MINISTER and CHURCHWARDENS of St. Peter's Pietermaritzburg; St. Paul's, Durban; St. Thomas', Berea; and Christ Church, Addington.

The REGISTRAR of the Diocese.

The SECRETARY of the Finance Board.

*For Pietermaritzburg :*

J. M. EGNER.	W. R. RALFE.
J. FREEMAN.	W. RISLEY.
W. JAMES.	J. N. WHEELER.
W. MILEMAN.	S. WILLIAMS.

*For Durban :*

R. ACUTT.	J. J. GRICE.
R. I. FINNEMORE.	J. HUNT.
R. H. U. FISHER.	J. MILLAR.
J. GOODLiffe.	G. RUTHERFORD.
G. D. GOODRICKE.	A. SPRING.
W. GRANT.	W. TRUBSHAWE.

With power to add to their number.

2. The duties of the said Standing Committee shall be as follows :—

- (i.) To represent the Council in advising the Bishop respecting the leasing of Church Lands, and giving the consent of the Council to the same.
- (ii.) To make grants from the Diocesan Fund to the Clergy, and also in special cases, not exceeding Ten Pounds in any such case.
- (iii.) To advise the Bishop generally in cases of emergency in the interval between the regular meetings of the Council.
- (iv.) The Standing Committee shall meet regularly in Pietermaritzburg on the first Thursday in each month, except in the months of April and October, when the half-yearly meetings of the Finance Board take place, as also whenever the Bishop may think it desirable to summon it to meet, either in Pietermaritzburg or in Durban, as may seem to him expedient.

### III.—RESOLUTION WITH REFERENCE TO FILLING UP THE SEE OF NATAL IN CASE OF A VACANCY.

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Whereas the Secretary of State for the Colonies has communicated to the Lieutenant-Governor of the Colony of Natal, ‘That Her Majesty would not be advised to issue Letters Patent for the appointment of any Bishop of Natal, in the event of any vacancy in the See,’ and whereas the Secretary of State for the Colonies has also notified to the Metropolitan Bishop of Sydney, that ‘Her Majesty will be advised to refuse, in conformity with the judgment of the Judicial Committee, to appoint a Bishop in any Colony possessing an Independent Legislature, without the sanction of that Legislature; but She will be advised, on the application of the Archbishop of Canterbury, to issue, from time to time, such Mandate as is required by Law to authorise the consecration of a Bishop, no Diocese or sphere of action, however, being assigned in such Mandate.’—

Resolved that—

‘In case of the See of Natal becoming vacant, the Dean of the Cathedral Church of Pietermaritzburg, or, if there be no Dean, then the Senior Archdeacon of the Diocese of Natal, or, if there be no Archdeacon, then the Senior Presbyter of the Diocese of Natal, and, if no one of these shall take action in the matter, then the Registrar of the Diocese of Natal shall forthwith, so soon as the occurrence of the vacancy shall have become known to him, summon a meeting of the Church Council, by notice posted to each Member of the Council, at least four weeks previously, to take the necessary steps for filling up the vacancy, either by direct election or by delegation, and to adopt the proper measures for securing that the Bishop elect shall be bound to adhere to the Standards and Formularies and to the interpretations which may have been, or may be from time to time, put upon them by the authority of Her Majesty in Council, and also to the Rules of the Church Council of the Diocese of Natal, so far as such Rules are not at variance with the Doctrine, Worship, and Discipline of the Church of England.

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